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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/618,296

07/11/2003

Raymond Mark Nuber

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23400 7590 06/15/2007  
POSZ LAW GROUP, PLC  
12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON, VA 20191

EXAMINER

GONZALEZ, AMANCIO

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

06/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/618,296	NUBER, RAYMOND MARK	
	<b>Examiner</b>	<b>Art Unit</b>	
	Amancio Gonzalez	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 25-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 40-48 is/are allowed.
- 6) ☒ Claim(s) 25-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is in response to Applicant's amendment filed on 04/11/2007. Claims 25-48 are still pending in the present application. This action is made FINAL.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claim 25-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prieto et al. (US 6381228 B1), hereafter "Prieto," in view of Kelly (US 6987741 B2), hereafter "Kelly."

Consider claim 25, Prieto discloses a resource controller capable of being located in a satellite having a plurality of communication channels (***resource controller reads on media access controller -see the abstract, col. 2 lines 61-67, col. 3 lines 1-6, where Prieto discloses a media access controller for time slots, i.e.,***

**communication channel, management on board of a satellite).** Prieto discloses an antenna, an uplink section, *and* a downlink section (**see col. 1 lines 29-32, col. 7 lines 42-44**). Prieto discloses the resource controller for reducing communication latency between a plurality of user terminals (**see col. 9 lines 1-8, col. 12 lines 10-14, where Prieto discusses minimizing the transmission time by applying bandwidth, resources, management**). Prieto discloses a satellite interface coupled to the uplink section, the downlink section and the antenna (**see fig. 3 element 28, col. 7 lines 53-55, col. 1 lines 29-32, col. 7 lines 42-44**). Prieto discloses a processor coupled to the satellite interface intercept a request from one of the plurality of user terminals on the uplink section (**see col. 3 lines 10-17, 34-38, where Prieto discusses the media access controller, which manages users requests, and interacts with other onboard processors; see also col. 4 lines 26-35**). Prieto discloses one of acknowledge (**see col. 2 lines 8-11**) the intercepted request and deny the intercepted request based on the resources available for transmission to the content provider (**see the abstract lines 15-26, col. 3 lines 10-25, where Prieto discusses granting the user a transmission slot**).

Prieto discloses a satellite onboard resource usage request control for a plurality of user terminals (**see the abstract, col. 9 lines 1-8**), but does not particularly mention *content providers* in the system managing bandwidth in a two-way satellite system. Kelly discloses *content providers* in a system managing bandwidth in a two-way satellite system (**see col. 4 lines 24-53**).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Prieto and have it include content providers, as taught by Kelly, thereby providing cost-effective means for accessing a packet switched network via a two-way communication satellite, as discussed by Kelly **(see col. 1 lines 1-21, col. 2 lines 6-15).**

Consider claim 33, Prieto discloses reducing a round trip time of a transmission between a user terminals in a satellite system **(see col. 9 lines 1-8, col. 12 lines 10-14, where Prieto discusses minimizing the transmission time by applying bandwidth, resources, management).** Prieto discloses a satellite with a plurality of communication channels **(communication channels read on time slot -see the abstract, col. 2 lines 61-67, col. 3 lines 1-6, where Prieto discloses a media access controller for time slots, i.e., communication channel, management on board of a satellite).** Prieto discloses intercepting, at the satellite, a request from the user terminal for a connection with the content provider forming an intercepted connection request **(see col. 3 lines 10-17, 34-38, where Prieto discusses the media access controller, which manages users requests, and interacts with other onboard processors; see also col. 4 lines 26-35).** Prieto discloses notifying the user terminal of resources available for the transmission from the satellite in response to the intercepted connection request **(see the abstract lines 15-26, col. 3 lines 10-25, where Prieto discusses inherently notifying the user by granting a transmission slot).**

Prieto discloses a satellite onboard resource usage request control for a plurality of user terminals **(see the abstract, col. 9 lines 1-8),** but does not particularly mention

*content providers* in the system managing bandwidth in a two-way satellite system.

Kelly discloses *content providers* in a system managing bandwidth in a two-way satellite system **(see col. 4 lines 24-53).**

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Prieto and have it include content providers, as taught by Kelly, thereby providing cost-effective means for accessing a packet switched network via a two-way communication satellite, as discussed by Kelly **(see col. 1 lines 1-21, col. 2 lines 6-15).**

Consider claims 26, 29, 38, and 39, Prieto, as modified by Kelly, teaches claims 25 and 33 above respectively, and Prieto further discloses notifying user terminals of granted transmission slot (see the abstract lines 15-26, col. 3 lines 10-25, where Prieto discusses inherently notifying the user by granting a transmission slot).

Consider claims 27, 28, 31, 32, 36, and 37, Prieto, as modified by Kelly, teaches claims 25 and 33 above respectively, and Prieto further discloses channel allocation and channel allocation based on available bandwidth (see Prieto: col. 3 lines 25-43).

Consider claims 30 and 35, Prieto, as modified by Kelly, teaches claims 25 and 33 above, and Prieto further discloses status reporting (see Prieto: col. 6 lines 56-64).

Consider claim 34, Prieto, as modified by Kelly, teaches claim 33 above, and Prieto further discloses wherein the intercepted connection request includes a request for bandwidth (see col. 7 lines 18-21).

***Allowable Subject Matter***

5. Claims 40-48 are allowed.

***Response to Arguments***

Applicant's arguments with respect to **claims** 25-39 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to  
Customer Service Window  
Randolph Building

Art Unit: 2617

401 Delaney Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amnion Gonzalez, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Amancio González  
AG/ag

June 4, 2007

  
NICK CORSARO  
SUPERVISORY PATENT EXAMINER  
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